

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

OCA-GREATER HOUSTON, et al., §
§
Plaintiffs, § CIVIL ACTION NO. 1:21-CV-00780-XR
v. § (Consolidated Case No. 5:21-CV-
TEXAS SECRETARY OF STATE § 00844-XR)
JOHN SCOTT, in his official capacity,
et al., §
§
Defendants. §

AGREED STIPULATION

Plaintiffs and Defendant Kim Ogg, in her capacity as District Attorney for Harris County (“Ogg”), stipulate as follows:

1. Plaintiffs stipulate and agree not to seek attorneys’ fees, penalties, damages, expert fees, court costs, or other costs or expenses of any kind from Ogg as well as her employees, agents, attorneys, and successors.
2. Ogg stipulates and agrees not to enforce Sections 33.051(g), 33.061, 86.006(f), 86.010(f), 276.004(a), 276.015(b)-(d), 276.016(a), 276.017(a), and 276.018(a) of the Texas Election Code challenged in the above-styled and numbered cause until such time as a final, non-appealable decision has been issued in this matter.
3. Ogg agrees not to participate in litigating the above-styled and numbered cause unless required to do so, and this stipulation shall be void if the Court orders Ogg to answer the operative complaint or respond to any motions seeking relief from or against Ogg. Further, by entering into this stipulation, Ogg is conserving prosecutorial resources until such time as challenges to the constitutionality of Texas Election Code Sections 33.051(g), 33.061,

86.006(f), 86.010(f), 276.004(a), 276.015(b)-(d), 276.016(a), 276.017(a), and 276.018(a) are resolved.

4. Plaintiffs and Ogg agree that Ogg shall not file an answer, unless ordered to do so by the Court, and that no default judgment shall be taken against her.
5. These stipulations are made without prejudice to any claim or defense that Plaintiff or Ogg may assert subsequent to this litigation.
6. For avoidance of doubt, nothing in this stipulation precludes Plaintiffs from seeking injunctive relief that would bind Ogg with respect to relief sought in the case, and nothing in the stipulation precludes Ogg from taking any position with respect to such relief sought should Ogg later participate in the litigation as provided in paragraph (3).

Respectfully submitted,

BUTLER SNOW LLP

By: /s/ Eric J.R. Nichols
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**ATTORNEYS FOR DEFENDANT
KIM OGG, IN HER CAPACITY AS
DISTRICT ATTORNEY FOR
HARRIS COUNTY**

AGREED AND STIPULATED:

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on March 15, 2022 I electronically filed the foregoing with this Court using the CM/ECF system, which will send notification of such filing to all counsel of record who have appeared in this matter.

/s/ Karson Thompson
Karson Thompson